



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

May 21, 2019

BY ECF

The Honorable Richard M. Berman
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *United States v. Richard Gaffey and Harald Joachim von der Goltz*, 18 Cr. 693 (RMB)

Dear Judge Berman:

The Government respectfully submits this letter to propose a schedule for the filing of any pretrial motions in this case. At the status conference on March 12, 2019, the Court instructed the parties to submit a letter regarding scheduling for any pretrial motions. *See* Tr. of March 12, 2019 Conf., ECF No. 69, at 11. Since that time, the defense has filed two motions to compel and has informed the Government that it is contemplating filing a motion to suppress certain evidence, including evidence obtained pursuant to a search warrant and evidence obtained from third parties.

The parties have met and conferred regarding a schedule for the defense motion and any other pretrial motions. The Government proposed to the defense a schedule for these motions to ensure that they can be resolved sufficiently in advance of trial.¹ The defense has taken the position that motions should not be filed until 30 days after the Court resolves the pending motions. The Government respectfully submits that there is no need for the parties to wait for the resolution of these motions to prepare their motions, and specifically that there is no need for the defense to have the motions resolved before filing any motion to suppress, or any other pretrial motion.

¹ In part, the defense has stated that it could not file any other motions until the Government has identified its exhibits for trial. The Government notes that the Court has already set a motions *in limine* schedule that would allow for any litigation over specific exhibits to occur in advance of the trial date. However, the Government's selection of evidence in its case-in-chief depends upon resolution of any motions to suppress sufficiently in advance of the trial date.

May 21, 2019
Page 2

Accordingly, the Government proposes the following schedule:

June 10: Due date for pretrial motions.

July 10: Due date for opposition to pretrial motions.


July 17: Replies due for pretrial motions.

In addition, the Government requests that the Court schedule a conference or hearing if necessary on the pretrial motions for a date in the last two weeks of July.

A proposed endorsement for the Court's consideration is below.

Respectfully submitted,
GEOFFREY S. BERMAN
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cc: Defense Counsel (by ECF)

ENDORSEMENT:

The Government's request for a pretrial motions schedule is hereby GRANTED.

SO ORDERED.

Date: May ___, 2019
New York, New York

HONORABLE RICHARD M. BERMAN
UNITED STATES DISTRICT JUDGE